

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JEFFREY SIMPSON,

Plaintiff,

-v-

JARED CHASSEN,

Defendant.
-----X

25-CV-4004 (JMF)

MEMORANDUM OPINION
AND ORDER

JESSE M. FURMAN, United States District Judge:

Plaintiff Jeffrey Simpson, proceeding without counsel, filed a notice of removal removing this case from the New York State Supreme Court, County of New York. *See* ECF No. 1 (“Notice of Removal”). Defendant now moves for, among other relief, expedited remand of the case to state court. *See* ECF No. 6. The request for expedited remand is GRANTED.

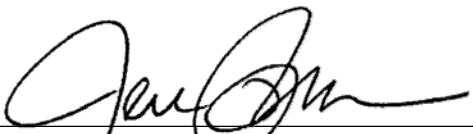
Removal of this case was improper and remand is required for a straightforward reason: Simpson is the plaintiff in the state-court action, and only a defendant may remove an action to federal court. *See* 28 U.S.C. §§ 1441(a), 1446(a); *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 105 (1941). “Quite simply, a party who is in the position of a plaintiff cannot remove.” *Yonkers Racing Corp. v. City of Yonkers*, 858 F.2d 855, 863 (2d Cir. 1988). Simpson suggests that the assertion of counterclaims against him in state court places him in the position of a defendant who may remove a case to federal court, *see* Notice of Removal 1, but a plaintiff may not remove “even when [he is] in the position of [a] defendant[] with regard to a counterclaim asserted against [him].” *Yun Fei Xiao v. City of New York*, No. 09-CV-8599 (BSJ) (KNF), 2010 WL 286684, at *1 (S.D.N.Y. Jan. 25, 2010). Accordingly, this action must be and is remanded to the New York State Supreme Court, New York County.

To the extent that Defendant seeks relief relating to orders entered by the state court, those requests are denied without prejudice to renewal before the state court. To the extent that Defendant seeks sanctions and/or fees and costs in connection with Plaintiff's improper removal (including an injunction barring Plaintiff from further removals), the Court retains jurisdiction and reserves judgment. Plaintiff shall file any opposition to those portions of Defendants' motion no later than **June 12, 2025**; Defendants shall file any reply by **June 26, 2025**.

The Clerk of Court is directed to terminate ECF No. 6, remand this action to the New York State Supreme Court, New York Country, and mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: May 29, 2025
New York, New York



JESSE M. FURMAN
United States District Judge